

Employer needn't pay fine if maid breaks Covid protocols



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LEGAL VIEW

Q: My housemaid has tested positive for coronavirus and she is under quarantine. We are planning to travel to our home country for a short holiday. If the maid breaks her quarantine and steps out, will we be legally held accountable? What is our responsibility when it comes to dealing with a delisted worker infected with virus?

A: As your domestic worker is infected with Covid-19, the provisions of decision no. (38) of 2020 on enforcement of penalties for violations following the Cabinet Resolution No. (17) of 2020 to contain the spread of the coronavirus issued by the Attorney General of UAE (the 'Covid-19 penalties decision') and the provisions of Federal Law No. (10) of 2017 on domestic workers (the 'UAE Domestic Workers Law') are applicable.

It should be noted that it is the responsibility of the individual who is infected with Covid-19 to isolate himself or herself and follow the relevant protocols issued by the UAE Ministry of Health and Prevention (the 'Ministry'). Once an individual is tested positive (infected) for Covid-19 in the UAE, he or she must download the 'Al Hosn' application on his/her mobile phone so that the local authorities in the UAE may be able to track the movements of the people who are infected with coronavirus. It also helps in contact tracing of the Covid-19 infection. In the event your domestic worker does not follow the home quarantine instructions issued by the Ministry, then she may be personally liable to pay Dh50,000 as penalty. This is as mentioned in the list under the Covid-19 penalties decision. You, as an employer, may not be bound to pay any penalties if your domestic worker breaks the house isolation protocols issued by the Ministry and the local authorities in the UAE. Further, it is the responsibility of your domestic worker to follow the public ethics while she is residing in the UAE. This is in accordance with Article 16(2) of the UAE Domestic Workers Law, which states: "The worker shall abide by the obligations stipulated in the contract of employment and shall in addition observe the customs and traditions of society and commit to public ethics."

You, as the employer, may be required to make necessary arrangements to provide basic amenities, including food, for your domestic worker even though you are outside the UAE while your maid is infected with Covid-19. Further, as an employer, you must also provide necessary medical treatments to your domestic worker. It is

also recommended that you provide your domestic help with relevant emergency contact numbers of the health authorities in the UAE so that it will enable her to contact the health authorities in case of severe health issues. It is the basic responsibility of the employer to provide the domestic worker with decent accommodation, food, clothing, and medical treatment. This is in accordance with Article 15 (2) (3) (4) & (5) of the UAE Domestic Workers Law.

Further, Article 18 of the UAE Domestic Workers Law categorically states that both the employer and the domestic worker should follow the stipulated health and safety requirements as per the prevailing laws of the UAE.

Therefore, based on the aforementioned provisions of law, it is your responsibility as the employer to ensure that you provide the necessary medical, food and safety requirements to your domestic worker even though you are out of the country.

Know the law



Both the employer and the domestic worker should follow the stipulated health and safety requirements as per the prevailing laws of the UAE.

How to settle credit card dues and steer clear of hassles

Q: I left Dubai two years ago, leaving some unpaid amount on my credit card. I was in financial trouble and unable to pay then. Now, I am planning to come back to Dubai to look for a job. Will I get arrested at the airport? Do I have to contact the bank and settle the amount to avoid arrest?

A: It should be noted that in the UAE at the time of granting a credit card facility to the customer, the banks or financial institutions (the 'bank') may collect a cheque from the customer as security against the credit limit of the credit card facility granted in addition to a signed application form which may contain the terms and conditions of the credit card facility. Based on the documents executed by you, the bank may have collected from you a security cheque as guarantee against the credit card facility provided to you along with signed application forms which contains terms and conditions of a credit card facility.

Therefore, once you had defaulted in payment of credit card dues to the bank, it may have deposited your security cheque for collection. If the said security cheque

Know the law



Upon filing of a criminal complaint against a defaulter of credit card by the bank, there may be a travel ban imposed upon him

was dishonoured by your bank due to insufficient funds in your bank account, the bank may have filed a criminal complaint against you for dishonour of the security cheque. It should be noted that the dishonour of a cheque in the UAE is a criminal offence. Upon filing of a criminal complaint against you by the bank, there may be a travel ban already imposed upon you and as you are outside the country, your name may be in the wanted list of the UAE authorities owing to which you may be detained when you re-enter UAE.

However, if the criminal complaint is filed against you in the emirate of Dubai due to dishonour of security cheque then as per the provisions of Dubai Law No. (1) of 2017 related to criminal order if the security cheque amount is lesser than Dh200,000, the punishment may be a financial penalty which may vary between Dh2,000 and Dh10,000. Upon payment of this financial penalty, your name may be removed from the blacklist by the UAE authorities. The criminal court where the case has been registered against you may also close it.

It is recommended that you contact the bank and request them to provide you with the details of criminal case and civil case (if any) that may have been filed against you. Further, you may also request them to provide you with the settlement amount if you intend to settle the credit card balance with the bank. Upon payment of settlement amount to the bank, you may request them to issue a 'No Dues Certificate' and request them to withdraw the criminal case and civil case (if any) that may have been filed against you. Thereafter, upon confirmation from the bank that the cases that may have been filed against you have been withdrawn, you may travel to Dubai. However, it is recommended that you carry with you the copy of 'No dues certificate' and criminal case and civil case clearance confirmation provided to you by the bank.

For further clarifications, you may consult the bank's legal department and/or a legal practitioner in the UAE to avail more professional advice.

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